

**REMARKS:**

**In Respect to the Specification**

The applicant will provide a substitute specification and abstract in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) when filing RCE.

**In Respect to Claims Rejections - 35 USC 112**

The deficiencies indicated by Examiner are overcome by the amendments of the claims.

The amended claims are fully supported by the specification and drawings. The T shaped pipe tee is the same of the T-type rear exhaust hole shown in the Figs. 6 and 7. No new matter is introduced.

**In respect to Claim Rejections - 35 USC 103**

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.1991). See MPEP 2143-2143.03 for decisions pertinent to each of these criteria."

Regarding claims 11-13, 15-16, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5010600 to Prisco in view of U.S. patent No. 5029316 to Fernald, Sr. (Fernald):

1. The claim 11 has important differences from Prisco in view Fernald as follows:

"an exhaust fan being fixed on the top of the air dividing case, an inlet of the exhaust fan is located on the outlet of said inner chamber and fixed thereon, an outlet of the exhaust fan is connected to outdoor through a duct; said inner chamber has an air separate plate inside it to divide said inner chamber into two half-chambers and said inlet of the exhaust fan into two half-inlets, one half-chamber with one half-inlet are connected with the water closet and another half-chamber with another half-inlet are connected with the toilet, thereby the distribution of exhausting air displacement for the exhaust fan is realized."

Because having the above-mentioned new features the exhausting apparatus of claim 11 can use one exhaust fan only to exhaust the air both from the water closet and from the toilet. Therefore, the structure of the exhausting apparatus is great simplified and the cost is great reduced.

Neither Prisco nor Fernald teaches the above-mentioned new features.

Prisco's embodiment has two exhaust fans, one for water closet and other for toilet. The claim 11 only has one exhaust fan.

The air separate plate in Prisco is to separate two exhaust fans for the result that one for toilet and other for water closet. In the claim 11 the air separate plate is to separate the inlet of one exhaust fan as two half-inlets, one for water closet and other for toilet, therefore to achieve the purpose that use one exhaust fan to complete the task which need two exhaust fans in Prisco.

It is clear that one of ordinary skill in the art is impossible to modify the Prisco's embodiment (one exhaust fan for toilet and another one for water closet) to get the exhausting apparatus of claim 11 (one exhaust fan for both toilet and water closet). The search made by Examiner finds many close references, but no one of the references discloses an exhaust fan serves toilet and water closet both, this fact-self verifies the exhausting apparatus of claim 11 is nonobvious to a one of ordinary skill in the art.

**"Note that the omission of an element and retention of its function is an indicia of unobviousness. In re Edge, 359 F.2d 896, 149 USPQ 556 (CCPA 1966)." MPEP 2144.04**

Fernald discloses an air valve (36), which is a one way valve. The function of the air valve (36) is to prevent the entry of air into the inner chamber rather than to regulate the flux of the valve. As mentioned above the air valve in claim 11 is a regulation valve for air displacement. When the apparatus is in operation if a user sitting on the water

closet feels the air flux into the water closet is too strong and his feeling is uncomfortable, the user can turn the air valve (44) to decrease or increase the air flux into the water closet. Fernald's valve is not the valve of claim 11 for the present invention.

The above-mentioned facts fully verifies that there no some suggestion or motivation, either in the Prisco in view Fernald or in the knowledge generally available to one of ordinary skill in the art, to modify or to combine Prisco in view Fernald teachings. Second, there is no a reasonable expectation of success (in Prisco embodiment must use two exhaust fans rather than one). Finally, the Prisco in view Fernald does not teach or suggest all the claim limitations (air dividing case having air separate plate). The teaching or suggestion to make the claimed combination and the reasonable expectation of success cannot both be found in the Prisco in view Fernald, and not based on applicant's disclosure.

Therefore, the claim 11 is patentable under 35 U.S.C. 103(a) over U.S. patent 5010600 to Prisco in view of U.S. patent No. 5029316 to Fernald, Sr.(Fernald):

**Regarding claims 19 and 20 are rejected under 35 U.S.C. 103(a)as being unpatentable over U.S. patent 5010600 to Prisco in view of U.S. patent No. 5029316 to Fernald, Sr.(Fernald) and USPN 4165544 to Barry:**

2. The claim 19 has important differences from Prisco in view Fernald and Barry as follows:

"said water closet includes a water tank, a toilet bowl located under the water tank and a T shaped pipe tee, an

upper end of the pipe tee is connected to a bottom of the water, a bottom end of the pipe tee is connected to the toilet bowl and a middle end of the pipe tee is connected to the inlet for water closet of the air dividing case through a duct."

In Prisco the exhaust duct is connected to a seat of the water closet rather than to the inside of the toilet bowl. Therefore the result is not good. Also, the duct is around the seat which brings many inconveniences for user. And the appearance is not good.

In Fernald and Barry the duct goes into the water tank and connects with the toilet bowl through a discharge pipe. The way for air is narrow and sinuous, which great increases the resistance force. Therefore the exhausting force is weak and the appearance of the water tank will be destroyed.

In the claim 19 a T shaped pipe tee to connect the exhaust duct into the toilet bowl in the rear of the toilet bowl, which make the exhaust line having big inner passing way for air and avoid the sinuousness. Therefore, the resistance force is greatly reduced. The exhausting force is big and the appearance is good.

The above-mentioned facts fully verifies that there no some suggestion or motivation (for T shaped pipe tee), either in the Prisco in view Fernald and Barry or in the knowledge generally available to one of ordinary skill in the art, to modify or to combine Prisco in view Fernald and Barry teachings. Second, there is no a reasonable expectation of success (in Prisco in view Fernald and Barry the air resistance force is great big). Finally, the Prisco in view Fernald and Barry does not teach or suggest all the claim limitations (T shaped pipe tee). The teaching or suggestion

to make the claimed combination and the reasonable expectation of success cannot both be found in the Prisco in view Fernald and Barry, and not based on applicant's disclosure.

Therefore, the claim 19 is patentable under 35 U.S.C. 103(a) over U.S. patent 5010600 to Prisco in view of U.S. patent No. 5029316 to Fernald, Sr.(Fernald) and USPN 4165544 to Barry:

3. The claim 29 has important differences from Prisco in view Fernald and Barry as follows:

"The air valve **of the** inlet for water closet is a butterfly air vent valve; the air valve of the inlet for toilet is a gate air vent valve."

Therefore, the claim 29 is patentable under 35 U.S.C. 103(a) over U.S. patent 5010600 to Prisco in view of U.S. patent No. 5029316 to Fernald, Sr.(Fernald) and USPN 4165544 to Barry:

4. The claims 19, 21 and 29 ultimately depends the independent claim 11. They possess all new features of claim 11. Therefore, the claims 19, 21 and 29 are patentable under 35 U.S.C. 103(a) over U.S. patent 5010600 to Prisco in view of U.S. patent No. 5029316 to Fernald, Sr.(Fernald) and USPN 4165544 to Barry.

This invention has been used in a toilet for test. When people use the toilet, no little odor is smelled. The air in the toilet is fresh.

For all of the above reasons, applicant submits that the claims are now in proper form, and that the claims all define patentably over the prior art.

Respectfully submitted,

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